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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,899	12/13/2000	Mark Levine	CU-2415	8396

7590 04/23/2003

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Chicago, IL 60604

EXAMINER

JASMIN, LYNDIA C

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,899

Applicant(s)

LEVINE, MARK

Examiner

Lynda C Jasmin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 29-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-28 and 46 in Paper No. 5 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-13 and 16-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2, 8, 16 and 22, the recitation "if the status of the output device requires cost allocation data, said processing unit is operative to..." renders the claims indefinite and unclear of how this type of limitation further limits the claims with respect to cost allocation data requirement. Suppose that the status of the output device does not require cost allocation data? Appropriate correction is required.

For art rejection purposes, the claims are interpreted in light of the 35 USC § 112, second paragraph rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-11, 13-25, 27, 28 and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Olsen et al. (2002/0016921).

As best understood, Olsen et al. discloses a disbursement tracking system and computer readable storage medium as claimed having:

an input (via spool 106) for receiving input signals conveying data (from clients station 102) associated with a document a user desires to generate on an output device (via printer 116);

a processing unit (via printing control system 100) coupled to the input (106), the processing unit (100) operative to: i) extract from the input signals (spooled data file) document print information (via 112) and device information (via 114) (box 60, lines 15-23), ii) determine a status of the output device (116) on a basis of the device information (via determining if data file is printed see box 60), and iii) generate an output signal (print job document) on a basis of the document print information and the status of the output device (box 61, lines 1 and 2)

an output (via communication link 118) coupled to the processing unit (100) for releasing the output signal (print job document) to the output device (116).

Olsen et al further discloses if the status of the output device (116) requires cost allocation data (via user identifying unit), said processing unit (printer communication

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unit) is operative to: a) retrieve from the user the cost allocation data (via checking user pin code), b) attempt to validate the cost allocation data (via validating users on the basis of the user identifying data input), and c) if the cost allocation data is validated, insert the validated cost allocation data into the output signal (as disclosed in box 67). The output signal is a print job file (via print job data file), the processing unit includes a document analysis unit (via print engine 142) operative to spool the document print information extracted from the input signals into the print job file (box 67, lines 19-27). The processing unit also includes a device analysis unit (via control unit 120) operative to determine the status of the output device on a basis of the device information extracted from the input signals (see box 65). The device information includes an identifier of the output device on which the document is to be generated (box 67, lines 14-16). The device analysis unit (120) includes a machine-readable storage medium holding a data structure storing status information (server 136). The device analysis unit (120) is operative to consult the data structure (format) on a basis of the identifier to determine the status information for the output device (as disclosed in box 79). The device analysis unit (120) includes a user interface (124) permitting the user to enter the cost allocation data (user identifying data). The cost allocation data includes a user identification number and a file number (via a print job header associated to the secured and spooled document). The output device is a digital printer/copier device (network printer 116).

Olsen further discloses if the status information for the output device indicates that the output device requires cost allocation data, the device analysis unit (120) is

operative to initiate the user interface (124) for collecting the cost allocation data from the user, the device analysis unit operative to attempt to validate the collected cost allocation data (via box 81), if the collected cost allocation data is validated, the device analysis unit is operative to generate a first control signal including the cost allocation data (via box 82, line 1-4), and if the collected cost allocation data is invalid, the device analysis unit is operative to generate a second control signal, the document analysis unit responsive to the second control signal to discard the print job file (via box 83). The document analysis unit is responsive to the first control signal for a) extracting from the first control signal the cost allocation data and b) modifying the print job file generated on a basis of the document print information by inserting the cost allocation data according to a predetermined format into the print job file, said print job file including the cost allocation data being released from the output to the output device (as disclosed in box 79).

Allowable Subject Matter

6. Claims 12 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record fails to teach or suggest a device analysis unit operative to generate a third control signal, where document analysis unit is responsive to the third control signal for releasing print job file generated on a basis of document

print information from an output without modification, as recited in both depend claims 12 and 26.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sperry et al (5,995,723), Rourke et al. (5,995,721), and Quinion (5,978,559) are cited for disclosing distributed printing system.

Ur (6,072,871) discloses identifying code printed on document generated by software used by printers.

Kubatki et al. (6,298,337 B1) discloses searching memory in a PC to obtain instructional data and automatically enter them into postage meter machine.

Geelen et al. (2002/0054322 A1) discloses a user alert in a network printer system.

Hucke, Mark "U-Bix Package Monitors Printers" June 1998.

Office World News "Business Equipment Usage Tracking" April 2000.

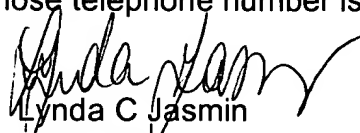
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda C Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.


Lynda C Jasmin
Examiner
Art Unit 3627

lj
April 17, 2003